

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

C. P No. D – 986 of 2017

Before:-

Mr. Justice Muhammad Junaid Ghaffar
Mr. Justice Zulfiqar Ali Sangi

Date of hearing: 02-02-2022

Date of decision: 02-02-2022

Mr. Muhammad Qayyum Arain, Advocate for the Petitioner
Mr. Nisar Ahmed Bhanbhro, Advocate for Respondent No.1
Mr. Ahmed Ali Shahani, Assistant Advocate General

ORDER

Muhammad Junaid Ghaffar, J:- Through this Petition, the Petitioner seeks directions against Respondents 1 and 2 to issue appointment letter as an I.T. Assistant (BPS-14) in Respondent No.1 / Khairpur Medical College, Khairpur Mir's.

2. Learned Counsel for the Petitioner submits that pursuant to an advertisement, the Petitioner applied for the post of I.T Assistant and was called for interview by Respondent No.1 / College, and thereafter, the Board of Governors of Respondent No.1 in its meeting held on 04-05-2015 unanimously approved the appointment of Petitioner as I.T Assistant (BPS-14) against an existing vacant post. However, despite such recommendation and appointment, the Petitioner has not yet been issued any formal appointment letter, hence this Petition. He submits that the petitioner is entitled for appointment and therefore, directions be issued accordingly.

3. On the other hand Respondents' Counsel has opposed this Petition on the ground that the Board of Governors was not competent to recommend any appointment as it could only be done by the notified Selection Committee, whereas, the vacant posts have already been filled through proper process, hence no case is made-out.

4. We have heard both the learned Counsel and perused the record.

5. It appears that the petitioner applied for the job in question and was also called for an interview and though admittedly the Board of

Governors in its meeting held on 04-05-2015 as reflected from the minutes placed on record against the Agenda Item No.(e) approved the appointment of the Petitioner as an I.T Assistant; however, no formal appointment orders have been issued by the Government of Sindh. It has come on record that insofar as the Respondent No.1 is concerned, through order dated 03-03-2014 the Government of Sindh through health department has notified a Selection Committee for appointments in Respondent No.1 which comprises of 07 members including Secretary Health, Special Secretary (Public Health) Health Department, Principal, Khairpur Medical College, Khairpur, Subject Specialist, Representative from Finance Department (Not below grade 19), Representative from Services General Administration & Coordination Department (Not below grade 19) and Representative from Sindh Public Service Commission (Not below grade 19), whereas, the appointment of the Petitioner has not been done by the said Selection Committee; rather Board of Governors on its own has approved the same in its Agenda meeting as above. It further appears that as per Notification dated 17-04-2015 issued by the Government of Sindh through Health department, the vacant seats of I.T Assistants have already been filled on the recommendation of the Selection Committee as above. Therefore, notwithstanding the recommendations of the Board of Governors, we cannot issue directions for Petitioner's appointment as apparently the appointments can only be made by the Selection Committee as per already notified procedure and not by the Board of Governors of the Respondent No.1. A notified order of the Government cannot be bypassed or overruled by the Board of Governors, and apparently, in this matter, no authority vested in the said Board of Governors in view of existence of a duly notified Selection Committee,

6. In view of such position, the Petition does not merit any consideration and is hereby dismissed.

Judge

Judge

ARBROHI